



AUG 08 2007
CHAMBERS OF
WILLIAM H. PAULEY

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 8, 2007

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By Hand

Honorable William H. Pauley III
United States Courthouse
500 Pearl Street, Room 2210
New York, New York 10007

Re: United States v. \$9,517.53 and \$55,250.00, 07 Civ. 3733 (WHP)

Dear Judge Pauley:

The Government respectfully writes to request a 45-day adjournment of the initial pretrial conference that is scheduled for August 10, 2007 at 10 a.m. in the above-referenced case. The Government has reached a tentative agreement with the only claimant in this case, Brennan N. Gasparini, which the Government will submit to the Court once the time for others to file a claim has expired.

On November 20, 2006, the Town of New Windsor Police Department seized the defendants-in-rem from Mr. Gasparini's residence. The Drug Enforcement Administration ("DEA") subsequently initiated administrative forfeiture proceedings against the property. Only one individual, Mr. Gasparini, filed a claim with the DEA contesting the forfeiture.

In light of Mr. Gasparini's administrative claim, the Government commenced this action, on May 11, 2007, seeking forfeiture of the defendants-in-rem on the ground that the monies were derived from, or intended to be used in, an exchange of a controlled substance. Thus far, only one party, Mr. Gasparini, has made an appearance in this action contesting the forfeiture. As publication was finished on July 20, 2007, the last day for others to file a claim is August 20, 2007. See Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions Rule G(5) (if notice was published but not sent to claimant, claim must be filed no later than thirty days after publication of newspaper notice).

Last week, the Government and Mr. Gasparini, through Edward J. Carroll, Esq., agreed upon a stipulation and order of settlement, which Mr. Carroll has signed and which the Government will submit to the Court once the time for others to file a claim has expired. Assuming no other parties file a claim, that agreement will fully resolve the case.

Because no other parties have filed a claim against the defendants-in-rem and the Government has reached a tentative agreement with the only party in this case, the Government

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requests that the initial pretrial conference be adjourned for 45 days. Mr. Carroll consents to this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By: Anna E. Arreola
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cc: Edward J. Carroll, Esq. (by fax)

Application granted. The
IPTC is adjourned to 9/28/07 at
10:00 a.m.

SO ORDERED:

WILLIAM H. PAULEY, U.S.D.J.
8/23/07